EXHIBIT NO.

City of Alexandria, Virginia

12-14-04

MEMORANDUM

DATE:

DECEMBER 7, 2004

TO:

THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM:

PHILIP SUNDERLAND, CITY MANAGER

SUBJECT:

CONSIDERATION OF LISTING THE GUNSTON HALL APARTMENTS ON

THE NATIONAL REGISTER OF HISTORIC PLACES

ISSUE: Listing of the Gunston Hall Apartments on the National Register of Historic Places.

RECOMMENDATION: That City Council receive this report.

<u>DISCUSSION</u>: In February 2004, an application was filed for demolition of the existing Gunston Hall apartments and conceptual approval of two condominium buildings containing 48 units and 12 townhouses. The Old and Historic Board of Architectural Review (BAR) conducted a hearing on the request in May 2004 and again in August 2004. At the hearing on August 18, 2004, the Board voted 4-1 to approve the demolition.

The approval of the demolition by the BAR was appealed to the City Council. On October 16, 2004, the City Council heard the two appeals that were filed from the Board"s decision and voted to approve the appeals and deny the demolition of the apartments.

In a memo to Councilman Macdonald, dated November 1, 2004 (attached), the Department of Planning and Zoning provided information regarding the possibility of having the Gunston Hall Apartments listed on the National Register of Historic Places, how long the process would take, the tax implications of such a listing, and how being on the Register would impact preservation efforts. Although a request to list property on the National Register may be made by persons other than the property's owner, a property may not be listed without the owner's consent. In this regard, the National Register web site states:

"During the time the proposed nomination is reviewed by the SHPO [State Historic Preservation Officer], property owners and local officials are notified of the intent to nominate and public comment is solicited. Owners of private property are given an opportunity to concur in or object to the nomination. If the owner of a private property, or the majority of the private property owners for a property or district with multiple owners, objects to the nomination, the historic property cannot be listed in the National Register

(underline added). In that case, the SHPO may forward the nomination to the National Park Service only for a determination of eligibility. If the historic property is listed or determined eligible for listing, then the Advisory Council on Historic Preservation must be afforded the opportunity to comment on any Federal project that may affect it."

In summary, the owners of the property need to approve its listing on the National Register, the process for listing could take up to one year and cost approximately \$10,000, there may be tax credits available for rehabilitation of the listed property, and listing of the property does not mean that it may not be demolished.

In accordance with Section 10-108(A) of the Zoning Ordinance, the owner of buildings which have been denied a BAR demolition permit may demolish the buildings after having satisfied certain requirements, including notification to the Director of the Department of Planning and Zoning on intent to offer the buildings for sale, for a period of one year, in an effort to find a buyer who will preserve the buildings. In a letter dated November 19, 2004 (Attachment 2), the owners of the Gunston Hall apartments, through their attorney, advised us that they intend to offer the buildings and land for sale, at the price of \$12,906,000, to anyone who gives reasonable assurance that they are willing to preserve and restore the buildings and land. An appeal of this sales price has recently been filed with the City Manager. Under the Zoning Ordinance, the City will now obtain appraisals of the property to determine whether the owners' price is reasonable. The property will be offered for sale by advertisement in the legal notices section of a newspaper of general circulation within the City once a week for a period of one year beginning November 2004. In accordance with Section 10-108(A), if no offer is made for the property during the one year time period, the owner will be able to demolish the buildings.

At the November 23 meeting of the City Council, Councilman Macdonald asked that the issue of whether the City should sponsor an application to list the Gunston Hall Apartments on the National Register of Historic Places be placed on the agenda for the next legislative meeting of the City Council.

ATTACHMENTS:

Attachment 1. November 1, 2004 memo from Eileen Fogarty to Councilman Macdonald Attachment 2. November 19, 2004 letter from John Fagelson to Eileen Fogarty

STAFF:

Eileen Fogarty, Director, Planning and Zoning Jean Federico, Director, Office of Historic Alexandria Rich Josephson, Deputy Director, Planning and Zoning Hal Phipps, Division Chief, Planning and Zoning Peter Smith, Urban Planner III, Planning and Zoning

Wachment I

2 2004

PLANNING & ZONING

City of Alexandria, Virginia

MEMORANDUM

DATE:

NOVEMBER 1, 2004

TO:

COUNCILMAN ANDREW H. MACDONALD

THRU:

ROSE WILLIAMS BOYD, DIRECTOR

CITIZEN ASSISTANCE

FROM:

EILEEN FOGARTY, DIRECTOR

PLANNING AND ZONING

SUBJECT:

GUNSTON HALL APARTMENTS (COUNCIL REQUEST #04-136M)

of Joseph

This is in response to your request for information regarding Gunston Hall Apartments.

1. What are our chances of having Gunston Hall Apartments placed on the National Register of Historic Places?

Staff believes that the Gunston Hall Apartments might meet the criteria for listing on the National Register. However, property owner consent is required to have a property listed on the National Register, and staff do not believe that the present owners would provide such consent since they have testified that the property is not significant. The National Register web site states:

"During the time the proposed nomination is reviewed by the SHPO, property owners and local officials are notified of the intent to nominate and public comment is solicited. Owners of private property are given an opportunity to concur in or object to the nomination. If the owner of a private property, or the majority of private property owners for a property or district with multiple owners, objects to the nomination, the historic property cannot be listed in the National Register. In that case, the SHPO may forward the nomination to the National Park Service only for a determination of eligibility. If the historic property is listed or determined eligible for listing, then the Advisory Council on Historic Preservation must be afforded the opportunity to comment on any Federal project that may affect it."

2. How long would the process take?

Staff estimate that the total time to prepare and process such a nomination would be approximately one year based on previous National Register nominations prepared by the City. As to the processing time officially required, the National Register web site states:

"The process varies from State to State depending on State workload, planning, and registration priorities, and the schedule of the review board. The process takes a minimum of 90 days to fulfill all of the review and notification requirements provided that a complete and fully documented nomination form has been completed for the property. Upon submission to the National Park Service, a decision on whether to list the property is made within 45 days."

Additionally, staff believe that the cost of preparing a nomination would be approximately \$10,000.

3. What are the tax implications of such a designation?

Both federal and state tax credits for rehabilitation costs could be used if the property were listed. Federal tax credits are available only for income producing properties and such properties must be owed for at least 5 years after the credits are approved. This credit is 20% of qualified rehabilitation expenses which meet the Secretary of the Interior's Standards for Rehabilitation.

State tax credits amount to 25% of qualified rehabilitation expenses which meet the Secretary of the Interior's Standards for Rehabilitation. For Virginia's program, rehabilitation expenses must be at least 50% of the assessed value of the building.

4. How might it affect preservation efforts for this property?

National Register listing only assures review by the Federal Advisory Council on Historic Preservation when a federal undertaking is property that would affect a listed property. For purely local projects, such as the proposed redevelopment of the Gunston Hall apartments, listing on the National Register would add prestige, but there would be no review other than that normally required by the City. Listing a property on the National Register does not mean that the building cannot be demolished.

If you have any additional questions, please give me a call at 703-838-4666.

cc: The Honorable Mayor and Members of City Council Philip Sunderland, City Manager Cindy Smith-Page, Director, Real Estate Assessments Jean Federico, Director, Office of Historic Alexandria Hal Phipps, Division Chief, Planning and Zoning Peter Smith, Urban Planner III, Planning and Zoning

attachment 2

FAGELSON, SCHONBERGER, PAYNE & DEICHMEI

ATTORNEYS AND COUNSELLORS AT LAW
11320 RANDOM HILLS ROAD, SUITE 325

FAIRFAX, VIRGINIA 22030

(703) 385-8282

FACSIMILE (703) 385-8761

e-mail fspd@fspd.com

MAILING ADDRESS: P.O. BOX 3321 OAKTON, VIRGINIA 22124-3321

November 19, 2004

ALEXANDRIA OFFICE:
1775 JAMIESON AVENUE
SUITE 200
ALEXANDRIA, VIRGINIA 22314
(703) 548-8100

1 9 2004

PLANNING & ZONING

P.C.

HERBERT S. BILLOWITZ (1910-1967) VICTOR G. TRAPASSO (1935-1989)

*SENIOR COUNSEL + ALSO ADMITTED IN D.C.

Eileen Fogarty, Director Department of Planning and Zoning City of Alexandria 301 King Street, Room 2100 Alexandria, Virginia 22314

Re: Gunston Hall Apartments, 915 South Washington Street, Tax Parcel 080.04-07-01

Dear Ms. Fogarty:

BERNARD M. FAGELSONS

ROBERT A. PAYNE

JOHN L. FAGELSON

++RETIRED

WILLIAM C. THOMAS, JR

EUGENE SCHONBERGER+

ROBERT L. DEICHMEISTER+

On behalf of Krishnan Suthanthiran, Trustee, as the owner, and Basheer/Edgemoore-Properties, L.L.C., as the contract purchaser, we are filing this statement with you pursuant to Section 10-108(B) of the Alexandria City Code. Pursuant to Section 10-108(A) of the City Code, the owner intends to offer the buildings, structures and land constituting the captioned property for sale at a price of \$12,306,000.00 to any person, government or agency or political subdivision thereof which gives reasonable assurance that it is willing to preserve and restore the buildings, structures and land. The property will be offered for sale on the above terms by advertisement in the legal notices section of a newspaper of general circulation within the City once a week for a period of one year beginning November, 2004. There will not be a seller's real estate broker.

Respectfully submitted,

Fagelson, Schonberger, Payne & Deichmeister, P.C.

John L. Fagelson

cc: Krishnan Suthanthiran, Trustee
Basheer/Edgemoore-Properties, L.L.C.



<mhobbs27@comcast.net>

12/14/2004 04:04 PM

Please respond to <mhobbs27@comcast.net>

<alexvamayor@aol.com>, <delpepper@aol.com>, To <council@joycewoodson.net>, <councilmangaines@aol.com>, <rob@krupicka.com>, <macdonaldcouncil@msn.com>,

bcc

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councilmangaines@aol.com, rob@krupicka.com, macdonaldcouncil@msn.com, paulcsmedberg@aol.com, rose.boyd@ci.alexandria.va.us, jackie.henderson@ci.alexandria.va.us, tom.raycroft@ci.alexandria.va.us)

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> Time: [Tue Dec 14, 2004 16:04:32] IP Address: [68.84.3.206] Response requested: []

> > First Name: Michael

Last Name: Hobbs

Street Address: 419 Cameron Street

> City: Alexandria

State: Virginia

Zip: 22314

Phone: 703 548-5798

Email Address: mhobbs27@comcast.net

> Old Town Civic Association P.O. Box 21333

Alexandria, Virginia 22320

December 14, 2004

The Honorable Mayor and Members of Council

City of Alexandria 301 King Street Alexandria, Virginia 22314

Dear Mayor Euille, Vice-Mayor Pepper, and Members of Council:

We understand that you will consider on your docket this evening a recommendation that the City initiate the process for nominating the Gunston Hall Apartments for listing on the National Register of Historic Places.

Comments:

That effort, if successful, might help to assure the preservation of these buildings, by establishing the eligibility of a prospective owner for federal and state tax credits for a portion of the cost of rehabilitating and preserving them.

We applaud Council's action of October 16, 2004 in standing against the demolition of these historic properties, and we believe that initiation of the National Register listing process would reenforce the importance that you attach to their preservation.

We therefore urge you to act favorably on the proposal that the City initiate this process.

Thank you for your consideration.

Yours truly,

Board of Directors Old Town Civic Association



<sean_mccabe@nps.gov>

12/14/2004 04:17 PM

Please respond to <sean_mccabe@nps.gov>

bcc

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rose.boyd@ci.alexandria.va.us, jackie.henderson@ci.alexandria.va.us, tom.raycroft@ci.alexandria.va.us)

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Time: [Tue Dec 14, 2004 16:17:09] IP Address: [165.83.228.147]

Response requested: []

First Name: Sean

Last Name: McCabe

National Park Service

Street Address: George Washington Memorial Parkway

c/o Turkey Run Park

City: McLean

State: Virginia

Zip: 22101

Phone: 703-289-2500

Email Address: sean_mccabe@nps.gov

Dear Mayor Euille,

Under a separate e-mail I am sending to you and the City Council (via Council Member Andrew McDonald) the letter from George Washington Memorial Parkway Superintendent Audrey Calhoun dated October 15, 2004, in which she states the National Park Service position on the

Gunston Hall Apartments.

We remain in support of the rehabilitation and reuse of these buildings and look forward to assisting Alexandria City staff in this endeavor.

Comments:

Thank you,

Sean A. McCabe Park Ranger and Community Planner

National Park Service George Washington Memorial Parkway c/o Turkey Run Park McLean, Virginia 22101 703-289-2515 office 703-289-2598 fax www.nps.gov/gwmp

12-14-04



To Jackie Henderson < jackie.henderson@ci.alexandria.va.us>

cc

bcc

Subject Item #29, 12/14/04 Regular City Council Docket

History:

This message has been forwarded.

December 14, 2004

The Honorable Mayor and Members of City Council City Hall 301 King Street Alexandria, Virginia 22314

Re: Docket Item #29, 12/14/04 City Council Docket

Dear Mayor and Members of Council,

Please vote tonight in favor of Councilman Andrew Macdonald's request for the City to begin the formal process of nominating the Gunston Hall Apartments to the National Register of Historic Places. Time is running out to preserve this site for its historic value and as scare, affordable housing rental units. It is appropriate for the city to begin this process given the broad community support that was displayed earlier this fall for preserving the Gunston Hall Apartments and your vote to deny the demolition permit.

Many thanks for your consideration in this matter.

Sincerely,

Ginny Hines Parry, President Alexandrians for Sensible Growth 317 Skyhill Road Alexandria, Virginia 22314 703-212-0982 ghparry@fortebrio.com Dec. 14, 2004 By Hand/Email

MEM

From: Councilman Andrew Macdonald

TO: Mayor and Members of Council

RE: Motion tonight regarding Gunston Hall Apartments, Mt. Vernon Memorial Parkway, Alexandria, Virginia

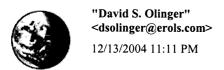
Following my conversation today with Jean Federico, Director of the Office of Historic Alexandria, and receipt of the staff report on this topic, I will propose tonight that Council take the following steps toward preserving the Gunston Hall Apartments. The motion is consistent with our efforts to preserve affordable housing in Alexandria and our City's rich history:

"I move that the Director of the City's Office of Historic Alexandria (OHA), in conjunction with a small group of citizens (to be appointed by the OHA and City Manager with recommendations from Council) prepare a "Preliminary Information Form" in order to determine if the said property is *eligible* for nomination to the State and Federal Historic Preservation List(s). I also recommend that the City take immediate steps to identify potential buyers of the property, including groups such as Alexandria's Affordable Housing Corporation, who would be willing to purchase the property for the expressed purpose of preserving it's historic characteristic's as well as maintaining it's affordable housing values (as suggested by Councilman Rob Krupicka).

The purpose of this motion is two-fold:

- 1) To determine whether the said property is can legally be nominated to the Federal Register of Historic Places and is eligible for the State and Federal tax benefits that accompany such a listing.
- 2) To encourage developers to buy this property for the purposes described to above. (If they know it's actually "Eligible" for nomination that's a significant incentive to buyers who want to preserve the property as described..)

This is the first phase in a longer application process. It can be accomplished in several months: it's not expensive and it let's potential buyers know whether they are likely to receive tax relief for the project. This motion is entirely consistent with Council's prior decision to prevent the demolition of the property pending a serious effort to save the property.



To "Henderson, Jackie" < jackie.henderson@ci.alexandria.va.us>

cc

bcc

Subject Gunston Hall

History:

This message has been forwarded.

Dear Ms. Henderson;

I'd appreciate your transmitting what follows to the Mayor, Vice Mayor and the members of the Council:

Dear Mayor Euille, Vice Mayor Pepper and Members of the Council,

I understand that you will be considering instructing City staff to seek a determination of the eligibility of Gunston Hall for inclusion in the National Registry of Historic Places.

In that such a determination may increase the attractiveness of Gunston Hall to entities interested in preservation by providing tax credits and thereby increasing financial feasibility, I urge you to take this step in support of your decision to save Gunston Hall.

Thank you for your consideration.

Sincerely,

David S. Olinger

100 Prince Street

Alexandria, VA 22314



<oconnorlaw@bah.com>

12/13/2004 11:55 PM

Please respond to <oconnorlaw@bah.com>

bcc

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Subject macdonaldcouncil@msn.com, paulcsmedberg@aol.com, rose.boyd@ci.alexandria.va.us, jackie.henderson@ci.alexandria.va.us,

tom.raycroft@ci.alexandria.va.us)

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Time: [Mon Dec 13, 2004 23:55:08] IP Address: [68.83.216.228]

Response requested: []

First Name: Lawrence

Last Name: O'Connor

Street Address: 207 South Lee Street

City: Alexandria

State: VA

Zip: 22314

Phone: 703.549.7727

Email Address: oconnorlaw@bah.com

To Mayor/Vice Mayor and City Council Members:

I fully support Andrew Macdonald's efforts to place the Gunston Hall Apartments on the National Register. This property, the Gunston Hall Apartments, is one of the most visually prominent sites on Washington Street and serves as an important gateway entrance to the City and the Historic District. This property has been neglected over the past several years as the owners have been devising redevelopment plans. Basic maintenance and landscaping are not regularly

Comments:

conducted, and often the tenants take this responsibility on themselves. What this situation creates is an incentive for owners to disinvest in their properties in the historic district and plan for more lucrative future development.

Living in an historic district is a privilege, and as owners we believe we have a civic duty to encourage preservation of this irreplaceable "gateway to the city" and to educate the public as to the importance of its stewardship for generations yet to come.

Sincerely,

Lawrence O'Connor



<kcannady@erols.com>

12/13/2004 12:35 PM Please respond to <kcannady@erols.com>

<alexvamayor@aol.com>, <delpepper@aol.com>, To <council@joycewoodson.net>, <councilmangaines@aol.com>, <rob@krupicka.com>, <macdonaldcouncil@msn.com>,

bcc

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Subject macdonaldcouncil@msn.com, paulcsmedberg@aol.com, rose.boyd@ci.alexandria.va.us,

jackie.henderson@ci.alexandria.va.us, tom.raycroft@ci.alexandria.va.us)

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> Time: [Mon Dec 13, 2004 12:35:16] IP Address: [208.59.89.56] Response requested: []

First Name: Katy

Last Name: Cannady

20 East Oak Street Street Address:

City: Alexandria

State: VA

> Zip: 22301

Phone: 703 549-9386

Email Address: kcannady@erols.com

Dear Mayor Euille, Vice Mayor Pepper, and

Members of Council:

I hope all of you will support Councilman Macdonald's effort to nominate the Gunston Hall apartments for the National Historic Register. You agreed by a unanimous vote a few weeks ago that Gunston Hall is an historic building. Asking for this designation only affirms that decision.

Comments: In addition I have believed for some time that our affordable housing program is geared too heavily to providing ownership opportunities for people in the middle income range. We are deficit in providing affordable rentals. If we could save Gunston for the people who live there now, we would at least not be adding to the deficit in affordable rental units.

Katy Cannady

JOHN MILNER ASSOCIATES

29 F. 2

Jill C. McClure 901 S. Washington Street Apt. 227 Alexandria, VA 22314 (703) 684-1091

December 13, 2004

Dear Mayor Euille and City Council members:

I support any initiative to help protect and preserve Gunston Hall Apartments located on the 900 block of South Washington Street by nominating and listing it on the National Register of Historic Places.

Gunston Hall Apartments date back to the 1930s and are historically significant not only because of their architectural detailing and because they are seminal examples of garden apartments of the period and region, but also because they were built to satisfy a housing need for the middle class as well as provide a close neighborhood community (and continue to do so). There are many individually noteworthy buildings within the city of Alexandria that rightfully deserve recognition but it is also necessary to appreciate and realize what is considered by some as "common architecture of the everyday" also contributes to the overall environment of Alexandria and gives a community character and a sense of place.

It is important that the city of Alexandria continues to recognize both its social and architectural history and it is imperative that a greater effort be made to include buildings of the 20th century before they are destroyed. Alexandria should not take its historic architecture for granted and should strive to set a standard in its preservation efforts to become a model for other historic communities to follow.

Sincerely,

Jill C. McClure

29 12-14-04



<philip.brooks@wap.org>

12/09/2004 03:12 PM

Please respond to <philip.brooks@wap.org>

bcc

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Subject councilmangaines@aol.com, rob@krupicka.com, macdonaldcouncil@msn.com, paulcsmedberg@aol.com,

rose.boyd@ci.alexandria.va.us, jackie.henderson@ci.alexandria.va.us, tom.raycroft@ci.alexandria.va.us)

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Time: [Thu Dec 09, 2004 15:12:00] IP Address: [69.143.43.118]

Response requested: []

First Name: Philip C.

Last Name: Brooks

Street Address:

3908 Col. Ellis Avenue

City: Alexandria

State: VA

Zip: 22304

Phone: 703-370-4929

Email Address: philip.brooks@wap.org

12/9/04

Dear Friends:

I am writing to support the idea of having the City apply for an eligibility ruling for National Register inclusion of the Gunston Apartments. I think that these buildings have architectural and historic merit as a cluster, within the context of their period

and location on the part of the George

Washington Memorial Parkway that runs through Alexandria. With a properly-written application, they should stand a good chance of being ruled eligible for inclusion on the National Register of Historic Places. With that eligibility ruling, they will have the potential for substantial tax advantages to a prospective purchaser, and they will thus be more marketable. We as a City will gain also, for we will have a sounder basis for moving to preserve these buildings in the future. While I realize full well that preparing such an application is a big job, I

Comments:

City prepare such an application.

I should note that I speak only for myself in this message and not as a member of the Alexandria Historic Restoration and

urge you all to move to have the

Preservation Commission.

think that it is absolutely necessary at this point. I

Thanks for your consideration and your valued efforts in this matter.

Philip C. Brooks